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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,206	02/28/2002	Juana Magdalena	408.014-CON	1829
20311	7590	06/13/2005	EXAMINER	
MUSERLIAN, LUCAS AND MERCANTI, LLP			JOHANNSEN, DIANA B	
475 PARK AVENUE SOUTH				
15TH FLOOR			ART UNIT	PAPER NUMBER
NEW YORK, NY 10016			1634	
DATE MAILED: 06/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

1. The amendment to the claims filed on March 8, 2005 does not comply with the requirements of 37 CFR 1.121(c) for the reasons set forth below. Amendments to the claims filed on or after July 30, 2003 must comply with 37 CFR 1.121(c) which states (with the relevant portions underlined):

(c) *Claims.* Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

(1) *Claim listing.* All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of "canceled" or "not entered" may be aggregated into one statement (e.g., Claims 1-5 (canceled)). The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.

(2) *When claim text with markings is required.* All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended," and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of "currently amended," or "withdrawn" if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn—currently amended."

(3) *When claim text in clean version is required.* The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, i.e., without any markings in the presentation of text. The presentation of a clean version of any claim having the status of "original," "withdrawn" or "previously presented" will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the

immediate prior version of the claims of the status of "withdrawn" or "previously presented." Any claim added by amendment must be indicated with the status of "new" and presented in clean version, i.e., without any underlining.

(4) *When claim text shall not be presented; canceling a claim.*

(i) No claim text shall be presented for any claim in the claim listing with the status of "canceled" or "not entered."

(ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as "canceled" will constitute an instruction to cancel the claim.

(5) *Reinstatement of previously canceled claim.* A claim which was previously canceled may be reinstated only by adding the claim as a "new" claim with a new claim number.

2. First, Applicant is reminded that the claim sets filed September 21, 2004 and November 19, 2004 were non-compliant (and thus unenterable). Accordingly, the instant claim set should be marked up and employ claim identifiers so as to indicate changes relative to the last complying set of claims entered in the application (i.e., the claims treated in the Office action of July 1, 2004).

3. With regard to claim 44, as the word "pair" (in the phrase "nucleotide primer pair") is an addition to the claim relative to the last version thereof, this word must be underlined and the claim identified as "currently amended" (rather than "previously presented").

4. With regard to claim 53, it is noted that the claim is identified as "currently amended;" however, no changes are indicated by markings. If applicant in fact wishes to amend the claim so as to replace the period at the end of the claim with a semicolon, then this amendment must be indicated by appropriate markings. If the semicolon is a typographical error, it should be replaced by a period and the claim should be identified

as "previously presented." Further, since the last entered version of the claim contained a period, no markings should be made to the period in the claim.

5. With regard to claim 54, it is noted that the term "biologalo" did not appear in the last entered version of the claims; thus, the recitation "biologale" should simply be deleted from the claim (i.e., no markings are necessary, as no such amendment was ever entered).

6. Since the reply filed on March 8, 2005 appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

7. It is noted that the instant application cannot be taken up for further examination until a complying complete set of claims is provided. Applicant's representative is welcome to contact the examiner by phone at the number given below for further clarification of the changes required to place the claim set in compliance.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diana B. Johannsen whose telephone number is 571/272-0744. The examiner is currently on maternity leave, but is in the office each week on Wednesdays and will respond to telephone inquiries at that time. Alternatively, inquiries may be directed to the examiner's supervisor at the number given below.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones can be reached on 571/272-0745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Diana B. Johannsen
Primary Examiner
Art Unit 1634
June 8, 2005
